



A T T O R N E Y S & C O U N S E L O R S - A T - L A W

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VIA ECF

The Honorable Judge Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Tenzer-Fuchs v. Jaguar Land Rover North America, LLC.
 Case No.: 2:21-cv-4941-BMC
 Plaintiff's Amended Letter Motion for Leave to Amend Complaint to Add
 Correct Defendant

Dear Honorable Judge Cogan:

The undersigned represents Plaintiff Michelle Tenzer-Fuchs (hereinafter "Plaintiff") in the above-referenced case. Plaintiff writes to respectfully request leave to amend the complaint to add JLR Long Island Re, LLC as the proper defendant and further dismiss its Complaint against Jaguar Land Rover North America, LLC without prejudice.

Rule 15(a) of the Federal Rules of Civil Procedure (hereinafter "Rules" or "Rule") provides that a court "should freely give leave [to amend] when justice so requires." See Fed. R. Civ. P. 15(a)(2). The policy behind this rule is that "[l]iberal amendment promotes judicial economy by making it possible to dispose of all contentions between parties in one lawsuit." See Bilt-Rite Steel Buck Corp. v. Duncan's Welding & Corr. Equip., Inc., 1990 WL 129970, at *1 (E.D.N.Y. Aug. 24, 1990) (citation omitted). Further, amendments are generally favored because they "tend to facilitate a proper decision on the merits." See Sokolski v. Trans Union Corp., 178 F.R.D. 393, 396 (E.D.N.Y. 1998) (internal quotation marks omitted) (quoting Junior Gallery, Ltd. v. Neptune Orient Line, Ltd., No. 94-CIV.-4518, 1997 WL 26293, at *2 (S.D.N.Y. Jan. 22, 1997)).

The decision to grant or deny leave to amend under Rule 15(a)(2) is within the trial court's discretion. See Zenith Radio Corp. v. Hazeltine Research, Inc., 401 U.S. 321, 330 (1971). If the amendment seeks to add a party, Rule 21, which allows addition of a party ... also comes into play; however, that creates no additional obstacle, as the 'showing necessary under Rule 21



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is the same as that required under Rule 15(a).” See Soroof Trading Dev. Co. v. GE Microgen, Inc., 283 F.R.D. 142, 147 (S.D.N.Y. 2012) (internal citation omitted) (quoting Johnson v. Bryson, 851 F. Supp. 2d 688, 703 (S.D.N.Y. 2012)). “In deciding whether to permit the addition of defendants, courts apply the ‘same standard of liberality afforded to motions to amend pleadings under Rule 15.’” See Addison v. Reitman Blacktop, Inc., 283 F.R.D. 74, 79 (E.D.N.Y. 2011) (quoting Soler v. G & U, Inc., 86 F.R.D. 524, 528 (S.D.N.Y. 1980)). Therefore, a motion for leave to amend to add a defendant should be granted absent undue delay, bad faith, futility, or prejudice to the non-moving party. Id.

Here, the undersigned had been contacted by in-house counsel for Jaguar Land Rover North America, LLC shortly after being served. In-house counsel for Jaguar Land Rover North America, LLC had represented to the undersigned that it does not own, control, or operate the website in question- jaguarhuntington.com. After further due diligence and information present on jaguarhuntington.com, Plaintiff has determined that JLR Long Island Re, LLC., owns, operates, and/or controls- jaguarhuntington.com Accordingly, Plaintiff’s letter motion for leave to amend the complaint should be granted.

Plaintiff thanks this Court for its time and attention to this case.

Dated: Forest Hills, New York
September 27, 2021

Respectfully submitted,

SHALOM LAW, PLLC

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